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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,135	02/15/2001	Yang-lim Choi	Q60575	1486

7590 05/03/2004

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EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2121

164

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/783,135

Applicant(s)

CHOI ET AL.

Examiner

Joseph P. Hirl

Art Unit

2121

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-16.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
Anthony Knight  
Supervisory Patent Examiner  
Group 3600

042704

Continuation of 3. Applicant's reply has overcome the following rejection(s): the arguments have been fully considered but are not persuasive. Specifically the following applies:

1. The explanation of page 7 and 8 of the applicant's reply dated April 16, 2004 was made without reference to any specific comments made by the Examiner in the November 7, 2003 office action. The Examiner notes that while  $G(x)$  was defined as a continuous function, does not follow that  $f(x)$  is a continuous function. Further and in a simplified manner, the Intermediate Value Theorem can be stated as follows: If  $f$  is continuous on a closed interval  $[a, b]$ , and  $c$  is any number between  $f(a)$  and  $f(b)$  inclusive, then there is at least one number  $x$  in the closed interval such that  $f(x) = c$ . From page 7 line 11, it does not follow that the applicant's  $f(a) = C$  since the function  $f$  is not defined and could indeed be anything. It is not clear how this argument, with potentially discontinuous functions, overcomes the rejection of claims 2-16 under 35 USC 112, first paragraph. Further, the applicant has not provided a detailed example demonstrating the implementation of the disclosure.
2. The proposed amended claim 2 (independent and replacing claim 1), cites adaptive approximating feature vectors ... comprising four steps. None of the four steps relate to an adaptive process.
3. The arguments on pages 8 and 9 of applicant's reply dated April 16, 2004, address specific points related to marginal distribution and feature vector data space. The applicant on page 9, lines 4-13 of the April 16, 2004 reply admits to Hill's related prior art. The applicant must understand that the Examiner has the obligation to interpret all claims in the broadest reasonable sense. Hence, the prior art of Hill applies.
4. Concerning applicant's comments related to the uniform tables of Figs. 5A and 5B, one certainly has grids as shown on the tables and within the grids one has distribution. Once again, the Examiner has the obligation to make such interpretations when claims are general.

